

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO M. LOPEZ,
[DOB: 2-9-78];

DAMIEN M. FOXX,
[DOB: 5-30-79];

BILLY J. BERRINGER,
[DOB: 4-25-79];

DANNY E. OSBORNE,
[DOB: 2-21-68];

GEORGE DYE,
[DOB: 11-17-81];

RYAN S. DILL,
[DOB: 7-5-82];

TRAVIS HODGE,
[DOB: 3-23-83];

DARIUS L. ELLIS,
[DOB: 12-20-78];

WILLIE M. FOXX,
[DOB: 11-20-82];

DAVID E. FOXX,
[DOB: 1-30-77];

BENJAMIN D. CHRISTIAN,
[DOB: 8-4-77];

MARK A. NELSON,

) No. _____

)

)

)

) COUNT ONE

) (All Defendants)

) 21 U.S.C. §§ 841(a)(1)(b)(1)(A) and 846

) NLT 10 years, NMT life imprisonment

) and/or \$4 million fine

) Supervised Release

) NLT 5 years

)

) COUNT TWO

) (Defendant Lopez)

) 21 U.S.C. §§ 841(a)(1)(b)(1)(A) and 846

) NLT 10 years, NMT life imprisonment

) and/or \$4 million fine

) Supervised Release

) NLT 5 years

)

) COUNT THREE

) (Defendant Lopez)

) 21 U.S.C. Section 841(a)(1)(b)(1)(B)

) NLT 5 years, NMT 40 years imprisonment

) and/or \$2 million fine

) Supervised Release

) NLT 4 years

)

) COUNT FOUR

) (Defendant Nelson)

) 21 U.S.C. 841(a)(1)(b)(1)(C)

) NMT 20 years imprisonment

) and/or \$1 million fine

) Supervised Release

) NLT 3 years

)

) COUNT FIVE

) (Defendant Ellis)

) 21 U.S.C. Section 841(a)(1)(b)(1)(C)

) NMT 20 years imprisonment

) and/or \$1 million fine

[DOB: 1-29-81];	) Supervised Release
JOSHUA L. PARROW,	) NLT 3 years
[DOB: 7-1-79];)
LANDON C. ROPER,	) <u>COUNTS SIX THROUGH NINE</u>
[DOB: 8-9-84];	) (Defendant Hodge)
NORMAN L. SCHAFER,	) 21 U.S.C. 841(a)(1)(b)(1)(C)
[DOB: 8-25-56];	) NMT 20 years imprisonment
	) and/or \$1 million fine
	) Supervised Release
	) NLT 3 years
)
JASON C. TOSCH,	) <u>COUNT TEN</u>
[DOB: 7-13-82];	) (Defendants Berringer and Schafer)
DEVIN J. GREEN,	) 21 U.S.C. Section 841(a)(1)(b)(1)(D)
[DOB: 8-28-79];	) NMT 5 years imprisonment
	) and/or \$250,000 fine
	) Supervised Release
LAMEEKA C. JEFFRIES,	) NLT 2 years
[DOB: 8-22-82];)
	) <u>COUNT ELEVEN</u>
CRYSTAL L. FOX,	) (Defendant Roper)
[DOB: 2-10-74];	) 21 U.S.C. Section 841(a)(1)(b)(1)(D)
DONNA S. BERRINGER,	) NMT 5 years imprisonment
[DOB: 1-20-78];	) and/or \$250,000 fine
	) Supervised Release
	) NLT 2 years
JAMES M. ALLEN,)
[DOB: 5-1-76];	) <u>COUNT TWELVE</u>
CURTIS SCOTT CRUISE,	) (Defendant Tosch)
[DOB: 1-26-79];	) 21 U.S.C. Section 841(a)(1)(b)(1)(D)
JEREMIAH LUCAS LOUTHAN,	) NMT 5 years imprisonment
[DOB: 2-14-79];	) and/or \$250,000 fine
	) Supervised Release
	) NLT 2 years
)
DAVID LEE HARRIS,	) <u>COUNT THIRTEEN</u>
[DOB: 8-19-68];	) (Defendant Hodge)
MICHAEL E. SPEAR,	) 21 U.S.C. Section 841(a)(1)(b)(1)(D)
[DOB: 12-19-81];	) NMT 5 years imprisonment
	) and/or \$250,000 fine
	) Supervised Release
_____	) NLT 2 years
Defendants.)

_____) COUNT FOURTEEN
 _____) (Defendant Harris)
 _____) 21 U.S.C. Section 841(a)(1)(b)(1)(D)
 _____) NMT 5 years imprisonment
 _____) and/or \$250,000 fine
 _____) Supervised Release
 _____) NLT 2 years
 _____)
 _____) COUNTS FIFTEEN AND SIXTEEN
 _____) (Defendant Hodge)
 _____) 21 U.S.C. Section 841(a)(1)(b)(1)(D)
 _____) NMT 5 years imprisonment
 _____) and/or \$250,000 fine
 _____) Supervised Release
 _____) NLT 2 years)
 _____)
 _____) COUNT SEVENTEEN
 _____) (Defendant Dye)
 _____) 18 U.S.C. Sections 922(g)(3) and 924(a)(2)
 _____) NMT 10 years imprisonment
 _____) and/or \$250,000 fine
 _____) Supervised Release
 _____) NMT 3 years
 _____)
 _____) COUNT EIGHTEEN
 _____) (Defendants Damien M. Foxx, Berringer,
 _____) Dill, and Crystal L. Fox)
 _____) 18 U.S.C. Section 1956(a)(1)(A)(i) and (h)
 _____) NMT 20 years imprisonment
 _____) and/or \$500,000 fine
 _____) Supervised Release
 _____) NMT 5 years
 _____)
 _____) COUNT NINETEEN
 _____) (Defendants Berringer and Crystal L. Fox)
 _____) 18 U.S.C. Section 1956(a)(1)(A)(i)
 _____) NMT 20 years imprisonment
 _____) and/or \$500,000 fine
 _____) Supervised Release
 _____) NMT 5 years
 _____)
 _____) COUNT TWENTY
 _____) (Defendant Damien M. Foxx)

_____) 18 U.S.C. Section 1956(a)(1)(A)(i)
 _____) NMT 20 years imprisonment
 _____) and/or \$500,000 fine
 _____) Supervised Release
 _____) NMT 5 years
 _____)
 _____) COUNT TWENTY-ONE
 _____) (Defendants Damien M. Foxx, Willie M.
 _____) Foxx David E. Foxx and Lameeka
 _____) C. Jeffries)
 _____) 21 U.S.C. Section 853
 _____) Forfeiture
 _____)
 _____) COUNT TWENTY-TWO
 _____) (Defendant Berringer)
 _____) 21 U.S.C. Section 853
 _____) Forfeiture
 _____)
 _____) COUNT TWENTY-THREE
 _____) (Defendant Dill)
 _____) 21 U.S.C. Section 853
 _____) Forfeiture
 _____)
 _____) COUNT TWENTY-FOUR
 _____) (Defendant Hodge)
 _____) 21 U.S.C. Section 853
 _____) Forfeiture
 _____)
 _____) COUNT TWENTY-FIVE
 _____) (Defendant Nelson)
 _____) 21 U.S.C. Section 853
 _____) Forfeiture
 _____)
 _____) \$100 Mandatory Special Assessment
 _____) on All Counts

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

_____ Beginning on an unknown date, but commencing at least as early as October 16, 2003, to

February 8, 2005, in Greene and Webster Counties, in the Western District of Missouri and elsewhere, **JULIO M. LOPEZ; DAMIEN M. FOXX; BILLY J. BERRINGER; DANNY E. OSBORNE; GEORGE DYE; RYAN S. DILL; TRAVIS HODGE; DARIUS L. ELLIS; WILLIE M. FOXX; DAVID E. FOXX; BENJAMIN D. CHRISTIAN; MARK A. NELSON; JOSHUA L. PARROW; LANDON C. ROPER; NORMAN L. SCHAFER; JASON C. TOSCH; DEVIN J. GREEN; LAMEEKA C. JEFFRIES; CRYSTAL L. FOX; DONNA S. BERRINGER; JAMES M. ALLEN; CURTIS SCOTT CRUISE; JEREMIAH LUCAS LOUTHAN; DAVID LEE HARRIS; and, MICHAEL E. SPEAR;** defendants, did knowingly and intentionally conspire and agree with each other and with other persons, known and unknown to the Grand Jury, to distribute or dispense 1000 kilograms of more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(vii).

COUNT TWO

Beginning on an unknown date, but commencing at least as early as December 16, 2003, to April 20, 2005, in Greene and Webster Counties, in the Western District of Missouri and elsewhere, **JULIO M. LOPEZ**, defendant, did knowingly and intentionally conspire and agree with other persons, known and unknown to the Grand Jury, to distribute or dispense 500 grams of more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(viii).

COUNT THREE

On or about April 20, 2005, in Greene County, in the Western District of Missouri and

elsewhere, **JULIO M. LOPEZ**, defendant, did knowingly and intentionally distribute or disperse 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

COUNT FOUR

On or about January 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **MARK A. NELSON**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse, a mixture or substance containing a detectable amount of 3,4 methylenedioxymethamphetamine (MDMA, a/k/a “ecstasy”), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (B)(1)(C).

COUNT FIVE

On or about March 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **DARIUS L. ELLIS**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse, a mixture or substance containing a detectable amount of 3,4 methylenedioxymethamphetamine (MDMA, a/k/a “ecstasy”), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT SIX

On or about March 4, 2004, in Greene County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally distribute or disperse, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT SEVEN

On or about March 10, 2004, in Greene County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally distribute or disperse, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT EIGHT

On or about March 19, 2004, in Greene County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally distribute or disperse, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT NINE

On or about March 24, 2004, in Webster County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally distribute or disperse, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT TEN

On or about January 30, 2005, in Webster County, in the Western District of Missouri and elsewhere, **BILLY J. BERRINGER and NORMAN L. SCHAFER**, defendants, did knowingly and intentionally possess with the intent to distribute or disperse, a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT ELEVEN

On or about January 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **LANDON C. ROPER**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT TWELVE

On or about January 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **JASON C. TOSCH**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT THIRTEEN

On or about January 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT FOURTEEN

On or about January 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **DAVID LEE HARRIS**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse a mixture or substance containing a detectable amount of

marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT FIFTEEN

On or about August 19, 2004, in Greene County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT SIXTEEN

On or about January 24, 2005, in Greene County, in the Western District of Missouri and elsewhere, **TRAVIS HODGE**, defendant, did knowingly and intentionally possess with the intent to distribute or disperse a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (B)(1)(D).

COUNT SEVENTEEN

On or about January 30, 2005, in Greene County, in the Western District of Missouri and elsewhere, **GEORGE DYE**, defendant, did knowingly possess in and affecting commerce, firearms, to-wit: 1) a Taurus 9 mm handgun, fully loaded, and 2) a Ruger Mark II long gun, with scope, all while the defendant was an unlawful user of a controlled substance, marijuana, in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT EIGHTEEN

Beginning from an unknown date, but commencing at least as early as October 16, 2003,

and continuing to at least on or about February 8, 2005, in Greene and Webster Counties, in the Western District of Missouri, and elsewhere, **DAMIEN M. FOXX, BILLY J. BERRINGER, RYAN DILL, and CRYSTAL L. FOX**, defendants, did knowingly and intentionally conspire and agree with each other and with other persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to violate Title 18, United States Code, Section 1956, by committing money laundering.

It was the purpose and object of the conspiracy to knowingly and willfully conduct and attempt to conduct financial transactions affecting interstate commerce which involved the proceeds of a specified unlawful activity, that is, knowingly and intentionally conspiring and agreeing with other persons, to distribute or dispense 1000 kilograms of more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(vii).

In furtherance of the conspiracy to commit money laundering, the defendants committed the following overt acts which affected the object of the conspiracy:

1. During the time frame of the conspiracy, **DAMIEN M. FOXX and BILLY J. BERRINGER**, defendants, obtained marijuana for the purpose of redistributing that marijuana to **DAMIEN M. FOXX, BILLY J. BERRINGER, RYAN S. DILL, CRYSTAL L. FOX**, codefendants, and others in Greene and Webster Counties.
2. When defendants **DAMIEN M. FOXX, BILLY J. BERRINGER, and RYAN S. DILL**, sold marijuana they received United States currency which they reinvested in the conspiracy to distribute marijuana by providing it to their source of supply, in order to pay for the marijuana previously supplied them and to obtain more marijuana.
3. On or about January 18, 2005, in Webster County, in the Western District of Missouri, **BILLY J. BERRINGER and CRYSTAL L. FOX**, defendants, did knowingly conduct a financial transaction affecting interstate commerce, to wit: the transfer by wire of funds of \$1,500.00 in United States currency by Western Union from Webster County, Missouri, which involved the proceeds of specified unlawful activity, that is, the knowing

and intentional distribution of marijuana, a Schedule I controlled substance, and that **BILLY J. BERRINGER and CRYSTAL L. FOX**, defendants, conducted and caused to be conducted the financial transaction with the intent to promote the carrying on of the specified unlawful activity, to wit: using the transferred funds to reinvest in and make payments for the distribution of marijuana.

4. On or about January 12, 2005, in Greene County, in the Western District of Missouri, **DAMIEN M. FOXX**, defendant, did knowingly conduct a financial transaction affecting interstate commerce, to wit: the transfer of \$5,000.00 in United States currency to Carol Rolufs, which involved, the proceeds of specified unlawful activity, that is, the knowing and intentional distribution of marijuana, a Schedule I controlled substance, and that, **DAMIEN M. FOXX**, defendant, conducted and caused to be conducted the financial transaction with the intent to promote the carrying on of the specified unlawful activity, to wit: using the transferred funds to pay for property located at 418 E. Evergreen, Springfield, Missouri, for the purpose of using the property as a stash house and distribution center for the distribution of marijuana.

The defendants committed the above acts with the intent to promote the carrying on of the distribution of marijuana, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), all in violation of Title 18, United States Code, Section 1956(h).

COUNT NINETEEN

On or about January 18, 2005, in Webster County, in the Western District of Missouri, **BILLY J. BERRINGER and CRYSTAL L. FOX**, defendants did knowingly conduct a financial transaction affecting interstate commerce, to wit: the transfer by wire of funds of \$1,500.00 in United States currency by Western Union from Webster County, Missouri, which involved the proceeds of a specified unlawful activity, that is, the knowing and intentional distribution of marijuana, a Schedule I controlled substance, and that **BILLY J. BERRINGER and CRYSTAL L. FOX**, defendants, conducted and caused to be conducted the financial

transaction with the intent to promote the carrying on of the specified unlawful activity, to wit: using the transferred funds to reinvest in and make payment for the distribution of marijuana, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i), and definitions in Title 18, United States Code, Sections 1956(c)(7)(B)(i), 1956(c)(4), and 1961(1).

COUNT TWENTY

_____ On or about January 12, 2005, in Greene County, in the Western District of Missouri, **DAMIEN M. FOXX**, defendant, did knowingly conduct a financial transaction affecting interstate commerce, to wit: the transfer of \$5,000.00 in United States currency to Carol Rolufs, which involved, the proceeds of a specified unlawful activity, that is, the knowing and intentional distribution of marijuana, a Schedule I controlled substance, and that, **DAMIEN M. FOXX**, defendant, conducted and caused to be conducted the financial transaction with the intent to promote the carrying on of the specified unlawful activity, to wit: using the transferred funds to pay for property located at 418 E. Evergreen, Springfield, Missouri, for the purpose of using the property as a stash house and distribution center for the distribution of marijuana, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i), and definitions in Title 18, United States Code, Sections 1956(c)(7)(B)(i), 1956(c)(4), and 1961(1).

COUNT TWENTY-ONE

As a result of committing the controlled substance offense alleged in Count One of this Indictment, defendants **DAMIEN M. FOXX, WILLIE M. FOXX, DAVID E. FOXX, and LAMEEKA C. JEFFRIES** shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of

the violation alleged in Count One of this Indictment, including but not limited to the following:

1. \$50,355.00 in United States currency seized from Damien M. Foxx at 3959 W. Maple, Springfield, Missouri on January 30, 2005;
2. \$9,000.00 in United States currency obtained from ST Motorsports, on February 3, 2005, and which was paid to ST Motorsports by Damien M. Foxx for the purchase of an automobile;
3. Commerce Bank Account Number 99765858, in the amount of \$19,441.97, in the name of Damien M. Foxx, seized on January 31, 2005;
4. One silver ring with numerous diamonds, seized from Damien M. Foxx at 3959 W. Maple, Springfield, Missouri on January 30, 2005;
5. One silver Benny and Company men's wristwatch with numerous diamonds, seized from Damien M. Foxx at 3959 W. Maple, Springfield, Missouri on January 30, 2005;
6. One white 2002 Cadillac Escalade, Missouri registration 059-YBX, VIN 1GYEK63NX2R108516, registered to Damien M. Foxx, seized on January 30, 2005;
7. One white 2001 Mitsubishi Eclipse Spyder, Missouri registration 491-WJG, VIN A43AE55HY1E005120, registered to Damien M. Foxx and Lameeka Jeffries, seized on January 30, 2005;
8. One red 2001 Chevrolet Tahoe, VIN 1GNEK13T41R125518, seized from Willie M. Foxx on January 30, 2005;
9. One white 2000 Lincoln Navigator, VIN 5LMRU27A9YLJ15513, seized from David E. Foxx on January 30, 2005;
10. \$445.00 in United States currency seized from Willie M. Foxx on January 30, 2005;

in that the said property was involved in the aforesated offense or is traceable to such property, in violation of Title 21, United States Code, Section 841(a)(1)(b)(1)(A).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;

- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property; all in violation of Title 21, United States Code, Sections 841(a)(1)(b)(1)(A), 846 and 853.

COUNT TWENTY-TWO

As a result of committing the controlled substance offense alleged in Count One of this Indictment, defendant **BILLY J. BERRINGER** shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to the following:

1. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 6575 State Highway W, Marshfield, Missouri, more particularly described as:

Tract 1: All of lot 3, Price's sub-division, also known as Mutton Junction, Webster County, Missouri.

Tract 2: A part of the S 1/2 of lot 1 of the N/W 1/4 of Section 7, Township 31, Range 18, described as the North 150 feet of the South 594 feet of the East 230 feet thereof, all in Webster County;

in that the said property was involved in the aforesaid offenses or is traceable to such property,

in violation of Title 21, United States Code, Section 841(a)(1)(b)(1)(A).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property; all in violation of Title 21, United States Code, Sections 841(a)(1)(b)(1)(A), 846 and 853.

COUNT TWENTY-THREE

As a result of committing the controlled substance offense alleged in Count One of this Indictment, defendant **RYAN S. DILL** shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to the following:

1. 5609 W. Lombard Street, Springfield, Missouri, DEER RUN SUBDIVISION PHASE ONE, LOT 49; and,

2. 808 W. Hoody Hall Lane, Pleasant Hope, Missouri, and is described as follows:
10A M/L E1/2 N1/2 SE1/4 NE1/4 25/31/22.

in that the said property was involved in the aforesaid offenses or is traceable to such property,
in violation of Title 21, United States Code, Section 841(a)(1)(b)(1)(A).

If any of the above-described forfeitable property, as a result of any act or omission of the
defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without
difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to
seek forfeiture of any other property of said defendant up to the value of the above forfeitable
property; all in violation of Title 21, United States Code, Sections 841(a)(1)(b)(1)(A), 846 and
853.

COUNT TWENTY-FOUR

As a result of committing the controlled substance offense alleged in Count One of this
Indictment, defendant **TRAVIS HODGE** shall forfeit to the United States pursuant to Title 21,
United States Code, Section 853, any and all property constituting or derived from any proceeds
the defendant obtained directly or indirectly as a result of the said violation and any and all
property used or intended to be used in any manner or part to commit or to facilitate the
commission of the violation alleged in Count One of this Indictment, including but not limited to

the following:

1. \$1,091.00 in United States currency seized from 1816 W. Chestnut, Springfield, Missouri, on January 30, 2005; and,
2. Four “Sumitomo” tires, with custom wheels, seized from 1816 W. Chestnut, Springfield, Missouri, on January 30, 2005;

in that the said property was involved in the aforesated offenses or is traceable to such property, in violation of Title 21, United States Code, Section 841(a)(1)(b)(1)(A).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property; all in violation of Title 21, United States Code, Sections 841(a)(1)(b)(1)(A), 846 and 853.

COUNT TWENTY-FIVE

As a result of committing the controlled substance offense alleged in Count One of this Indictment, defendant **MARK A. NELSON** shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and

all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to the following:

1. 2004 Yamaha Raptor ATV 660, with gold Dayton wheels, seized from 1416 S. Kickapoo, Springfield, Missouri, on January 30, 2005; and,
2. Four chrome 100 spoke wheels, seized from 1416 S. Kickapoo, Springfield, Missouri, on January 30, 2005;

in that the said property was involved in the aforesaid offenses or is traceable to such property, in violation of Title 21, United States Code, Section 841(a)(1)(b)(1)(A).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property; all in violation of Title 21, United States Code, Sections 841(a)(1)(b)(1)(A), 846 and 853.

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

RANDALL D. EGGERT, Bar No. 39404
Assistant United States Attorney
